

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DUANE BEATY,

Movant,

-against-

03-cr-01364 (LAK)

UNITED STATES OF AMERICA,

Respondent.  
----- x

**ORDER**

LEWIS A. KAPLAN, *District Judge*.

Movant Duane Beaty, appearing *pro se*, has filed a 28 U.S.C. § 2255 motion, which seeks to vacate on several grounds his convictions on Counts Three, Four, and Six. (Dkt 223)<sup>1</sup>

The defendant has filed several prior Section 2255 motions, the most recent of which challenged his conviction on Count Three in light of *United States v. Johnson*, 135 S. Ct. 2551 (2015) and *United States v. Davis*, 139 S. Ct. 2319 (2019). That motion proceeded with permission of the Court of Appeals and was resolved on the merits. *See* Dkt 218. Accordingly, this is a second or successive such motion and may not proceed without leave of the Court of Appeals.

The Clerk shall assign a civil docket number to this motion, as routinely is done with Section 2255 motions, collect any required filing fee, and transfer the motion to the Court of Appeals pursuant to *Liriano*.

The Clerk shall mail a copy of this order to the defendant at the address provided in Dkt 233 and so note on the docket.

SO ORDERED.

Dated: July 11, 2023



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Lewis A. Kaplan  
United States District Judge

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